

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA,) CR. NO. 7:17-CR-938-1
) GREENVILLE, SC
) MAY 23, 2018
)
VERSUS)
)
DUSTAN LAWSON,)
)
DEFENDANT.)
_____)

BEFORE THE HONORABLE BRUCE HOWE HENDRICKS
UNITED STATES DISTRICT COURT JUDGE
CHANGE OF PLEA HEARING

APPEARANCES:

FOR THE GOVERNMENT: JENNIFER WELLS, AUSA
UNITED STATES ATTORNEY'S OFFICE
55 BEATTIE PLACE
SUITE 700
GREENVILLE, SC 29601

FOR THE DEFENDANT: BENJAMIN T. STEPP, AFD
FEDERAL PUBLIC DEFENDER'S
OFFICE
TWO LIBERTY SQUARE
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SUITE 950
GREENVILLE, SC 29601

COURT REPORTER: DEBRA R. BULL, RPR, CRR
UNITED STATES COURT REPORTER
315 SOUTH MCDUFFIE STREET
ANDERSON, SC 29624

STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

*** **

1 (Whereupon, Court commenced at 4:42 p.m.)

2 THE COURT: Let's go ahead and swear in the
3 Defendant.

4 THE CLERK: May it please the Court. Sir, raise
5 your hand to be sworn.

6 DUSTAN LAWSON, having been first duly sworn,
7 testified as follows:

8 THE COURT: Have you been able to communicate with
9 your client just fine, Mr. Stepp?

10 MR. STEPP: Yes, ma'am.

11 THE COURT: Have you explained to him the charge
12 or charges contained in the Indictment and the possible
13 punishment and his Constitutional rights, including the
14 right to a jury trial?

15 MR. STEPP: I have.

16 THE COURT: In your opinion, does he understand
17 all of the charges, and the punishment, and his rights?

18 MR. STEPP: I believe he does.

19 THE COURT: And how does he indicate he wishes to
20 plead, guilty or not guilty?

21 MR. STEPP: Guilty.

22 THE COURT: Do you agree with that decision?

23 MR. STEPP: I do.

24 THE COURT: From your own investigation of the
25 facts and circumstance of the case, do you think the

1 Government could produce sufficient evidence to convince
2 a jury of his guilt beyond a reasonable doubt if he were
3 to stand trial, and if he were to stand trial, would his
4 conviction be probable?

5 MR. STEPP: Yes, ma'am.

6 THE COURT: Do you have any doubt as to his
7 competency to plead at this time?

8 MR. STEPP: None whatsoever.

9 THE COURT: Has he ever been submitted for a
10 mental evaluation to determine his competency to stand
11 trial?

12 MR. STEPP: No, ma'am.

13 EXAM

14 BY THE COURT:

15 Q. All right. So, Mr. -- let me get this straight --
16 Mr. Lawson, correct?

17 A. Yes, ma'am.

18 Q. Mr. Lawson.

19 You are now under oath, and if you answer any of
20 my questions falsely your answers could later be used
21 against you in another prosecution for perjury, do you
22 understand that?

23 A. Yes, ma'am.

24 Q. And I have been informed you wish to change the
25 plea that you previously entered to a plea of guilty

1 today; is that true?

2 A. Yes, ma'am.

3 Q. Before I can accept that guilty plea, it is going
4 to be necessary for me to make sure that your plea is
5 made freely and voluntarily, so I am going to have to
6 ask you some questions. If you don't understand those
7 questions, just let me know, and I will explain them to
8 you, and you can stop and talk to your lawyer about
9 anything at any time, and if you feel like you need to
10 stop and talk to your lawyer, you just let me know, and
11 I will give you time to do that, okay?

12 A. Yes, ma'am.

13 Q. How old are you?

14 A. Thirty-two.

15 Q. Where were you born?

16 A. Spartanburg.

17 Q. How far did you go in school?

18 A. Graduated high school.

19 Q. What kind of jobs have you had in your life?

20 A. Before I was arrested, I was an insurance
21 salesman, currently I am working in warehouses.

22 Q. Have you ever been treated for alcohol abuse, or
23 drug abuse, or mental illness?

24 A. No, ma'am.

25 Q. Have you taken any kind of medicine, drugs, any

1 kind of alcohol, over-the-counter medicine, anything
2 like that in the last 24 hours?

3 A. Yes, ma'am.

4 Q. What have you had?

5 A. I had two Ibuprofen 200 milligram and the Zyrtec.

6 Q. Okay. All right.

7 Are you aware of any physical, emotional, or
8 nervous kind of problem that might keep you from
9 understanding what you are doing here today?

10 A. No, ma'am.

11 Q. Do you understand that you are pleading guilty?

12 A. Yes, ma'am.

13 THE COURT: And, Mr. Stepp, do you agree that
14 Mr. Lawson knows and understands what he is doing?

15 MR. STEPP: Yes, ma'am.

16 THE COURT: Okay. It appears to me that
17 Mr. Lawson is competent to plead to the charges, and I
18 so find for purposes of the record.

19 BY THE COURT:

20 Q. Are you satisfied with the manner that Mr. Stepp
21 has advised you and represented you?

22 A. Yes, ma'am.

23 Q. Have you talked with him for as often and as long
24 as you felt it was necessary for him to represent you?

25 A. Yes, ma'am.

1 Q. Do you need any more time to talk to him?

2 A. No, ma'am.

3 Q. Have you understood all of your conversations you
4 have had with him?

5 A. Not at first, but he has explained them so, yes,
6 ma'am.

7 Q. Okay. Has he done everything for you that you
8 felt he could have or should have done for you?

9 A. Yes, ma'am.

10 Q. Has he failed to do anything for you?

11 A. No, ma'am.

12 Q. Is there anything you wanted him to do prior to
13 today that he has not done?

14 A. No, ma'am.

15 Q. Are you completely satisfied with his services?

16 A. Yes, ma'am.

17 Q. Do you have any complaint that you want to make to
18 the Court about Mr. Stepp?

19 A. No, ma'am.

20 Q. All right. Under the Constitution and laws of the
21 of United States, you have got a right to plead not
22 guilty, and if you plead not guilty, you are entitled to
23 a trial by jury during which you would have the right to
24 the assistance of a lawyer to be on your defense to the
25 charges contained in the Indictment; do you understand?

1 A. Yes, ma'am.

2 Q. And if you were to go to trial, you would be
3 presumed to be innocent, and the Government would be
4 required to prove you guilty by competent evidence and
5 beyond a reasonable doubt before you could be found
6 guilty, and you wouldn't have to prove that you were
7 innocent; do you understand?

8 A. Yes, ma'am.

9 Q. So, in the course of a trial, the witnesses for
10 the Government would come to Court and testify in your
11 presence, and your lawyer could cross-examine those
12 witnesses, and then object to any evidence offered by
13 the Government, and then offer evidence on your behalf;
14 do you understand?

15 A. Yes, ma'am.

16 Q. At a trial, while you would have the right to
17 testify if you chose to do so, you also would have the
18 right not to testify and no inference or suggestion of
19 guilt could be drawn from the fact that you did not
20 testify; do you understand?

21 A. Yes, ma'am.

22 Q. And at a trial you would also have the right to
23 the issuance of subpoena or compulsory process to compel
24 the attendance of witnesses to come and testify for you
25 in your defense; do you understand?

1 A. Yes, ma'am.

2 Q. If you plead guilty, and I accept your plea, you
3 are going to waive your right to that jury trial and the
4 other rights I have discussed, there won't be a trial,
5 and I will enter a judgment of guilty and sentence you
6 on the basis of that after considering a presentence
7 report; do you understand?

8 A. Yes, ma'am.

9 Q. If you plead guilty, and I accept your plea, you
10 will also have to give up your right not to incriminate
11 yourself since I will ask you questions about what you
12 did in order to satisfy myself that you are guilty as
13 charged, and you will have to acknowledge your guilt
14 here in open Court; do you understand?

15 A. Yes, ma'am.

16 Q. You may have given an incriminating statement in
17 this case. If you plead guilty, you waive or give up
18 your right to contest or challenge whether any such
19 statement was freely and voluntarily given in accordance
20 with your Constitutional rights; do you understand?

21 A. Yes, ma'am.

22 Q. You may have defenses to the charge or charges
23 against you. Do you understand that if you plead
24 guilty that you are going to waive or give up any
25 defenses to the charge or charges?

1 That is a yes?

2 Okay.

3 If you plead guilty, and I accept your plea, you
4 might be required to make restitution to the victim or
5 victims of your acts either by payment of money or in
6 personal service as might be ordered by the Court, and
7 any failure to make those payments could be a basis for
8 revoking your period of supervision; do you understand?

9 A. Yes, ma'am.

10 Q. If you are on probation or parole, I don't know if
11 you are or you aren't, but if you are, do you
12 understand that your probation or parole could be
13 revoked because of your guilty plea?

14 A. Yes, ma'am.

15 Q. Do you understand that when you plead guilty you
16 admit to the truth of the charge that is made against
17 you?

18 A. Yes, ma'am.

19 Q. And now that I have discussed these rights with
20 you and all of your rights, do you still want to plead
21 guilty?

22 A. Yes, ma'am.

23 Q. So, the offense or offenses to which you are
24 pleading guilty are felony offenses. If your plea is
25 accepted, you will be adjudged guilty of that offense or

1 offenses, and such adjudication may deprive you of
2 valuable Civil Rights, such as the right to vote, the
3 right to hold public office, the right to serve on a
4 jury, and the right to possess any kind of a firearm at
5 all, or any single piece of ammunition; do you
6 understand?

7 A. I do.

8 Q. And if you are not -- you are a citizen of the
9 United States, I presume?

10 A. Yes, ma'am.

11 Q. If the offense carries a maximum sentence of 20
12 years or more, a probationary sentence is unavailable
13 under 18 USC 3561, and, if applicable, you might be
14 required to forfeit certain property to the United
15 States; do you understand?

16 A. Yes, ma'am.

17 Q. If you plead guilty, then I will have to determine
18 the appropriate sentence to be imposed. Under the
19 Sentencing Reform Act of 1984, the U.S. Sentencing
20 Commission has issued guidelines for judges to follow in
21 determining the sentence in a criminal case. I am
22 required to consider the statutory factors that are set
23 out in Title 18, Section 3553(a), as well as the
24 advisory guidelines. Have you and your lawyer talked
25 about how the guidelines and the statutory factors might

1 affect your sentence?

2 A. Yes, ma'am.

3 Q. Your lawyer can only give you an estimate of what
4 your guideline range might be. Do you understand that
5 the sentence I impose might be different from any
6 estimate that Mr. Stepp might have given you?

7 A. Yes, ma'am.

8 Q. Now, I am not going to be able to determine the
9 guideline sentence for your case until after a
10 presentence report has been done and both you and the
11 Government will have the chance to challenge the facts
12 that are reported to me by the Probation Office; do you
13 understand?

14 A. Yes, ma'am.

15 Q. Your sentencing range can be substantially
16 affected by what is called "relevant conduct." This
17 means that you could be held accountable for criminal
18 conduct in which you are directly involved in
19 preparation for, during, or in the course of attempting
20 to avoid responsibility for the offense with which you
21 have been charged. It also means that where you have
22 been involved in any jointly undertaken criminal
23 activity with other people, you can be held and will be
24 held accountable for the conduct of other people that
25 was both in furtherance of your jointly undertaken

1 activity and reasonably foreseeable in connection with
2 that activity; do you understand that?

3 A. Yes, ma'am.

4 Q. Have you discussed the concept of relevant conduct
5 with Mr. Stepp?

6 A. Yes, ma'am.

7 THE COURT: Is the Government going to dismiss
8 counts?

9 MS. WELLS: No, ma'am, Your Honor. He is going to
10 plead to all 36 counts of the Indictment.

11 THE COURT: Okay.

12 BY THE COURT:

13 Q. After it has been determined what guidelines apply
14 to your case, I have got the authority, in some
15 circumstances, to impose a sentence that is either more
16 severe or less severe than that called for by the
17 guidelines; do you understand?

18 A. Yes, ma'am.

19 Q. And under some circumstances, both you and the
20 Government has (sic) the right to appeal any sentence I
21 might impose; do you understand?

22 A. Yes, ma'am.

23 Q. Parole has been abolished, and if you are
24 sentenced to prison, you won't be released on parole; do
25 you understand that?

1 A. Yes, ma'am.

2 Q. Under the provisions of the Sentencing Reform Act,
3 the Court may order a term of supervised release to
4 follow imprisonment in any kind of case, but the Court
5 must order a term of supervised release to follow
6 imprisonment if a sentence of more than one year is
7 imposed or if it is required by statute; do you
8 understand that?

9 A. Yes, ma'am.

10 Q. So, when a person is placed on supervised release,
11 that person is restricted as to places he might go, and
12 things he might do, and you must report to the
13 authorities on a regular basis; do you understand?

14 A. Yes, ma'am.

15 Q. If you violated any term or condition of that
16 supervised release, your supervision could be revoked
17 and you could be given additional time in prison; do you
18 understand?

19 A. Yes, ma'am.

20 Q. And you have heard your lawyer tell me that he has
21 explained to you the charge against you, possible
22 punishment, your Constitutional rights, and that you
23 understand all of these things; is that true?

24 A. Yes, ma'am.

25 Q. Do you understand what is going on here today?

1 That is a yes?

2 A. Yes, ma'am.

3 Q. Have you received a copy of the Indictment, which
4 is the written charges made against you?

5 A. Yes, ma'am.

6 Q. Have you discussed with Mr. Stepp the charges that
7 are in that Indictment and the case in general?

8 A. Yes, ma'am.

9 Q. Have you told him everything about your case?

10 A. Yes, ma'am.

11 THE COURT: All right. I would ask Madame U. S.
12 Attorney to summarize the Indictment and put the
13 elements and the penalties on the record. I would ask
14 you to listen, Mr. Lawson, and then I will ask you
15 whether or not you understand all of that, okay?

16 THE WITNESS: Yes, ma'am.

17 MS. WELLS: Your Honor, I spoke with Mr. Stepp
18 prior to the Court coming back onto the bench, and I am
19 going to summarize each count of the Indictment as a
20 group, there are only four charges in the actual
21 Indictment.

22 THE COURT: Okay.

23 MS. WELLS: But multiple charges, so if the Court
24 feels like I have not properly covered the record,
25 please don't hesitate to let me know, but I do think

1 this will cover the record as it pertains to
2 Mr. Lawson's understanding of the Indictment.

3 Your Honor, Mr. Lawson is charged in Counts 1,
4 3, 7, 9, 11, 15, 17, 19, 21, 23, 28, 32, 33,
5 and 35 of the Indictment with violation of 18, United
6 States Code, section 922(a)(6), that is basically false
7 statement made to purchase a firearm, Your Honor.

8 The elements for each of those offenses as
9 alleged on the particular dates as to each count of the
10 Indictment are that the seller of each of the firearms
11 alleged in the previously stated counts of the
12 Indictment was a licensed firearms dealer. That the
13 Defendant made a false statement while acquiring the
14 firearms as alleged in the Indictment from the seller.
15 And that the Defendant knew that he made a false
16 statement, and that the statement was intended to
17 deceive the seller with respect to any fact -- sorry, I
18 can't read my own handwriting -- material to the
19 purchase or sale of this weapon.

20 As to each count of the Indictment previously
21 stated, the elements -- excuse me, the term of
22 imprisonment is not more than ten years, and/or a fine
23 of \$250,000, supervised release of up to three years,
24 and a Special Assessment of \$100.

25 Your Honor, he is also charged in Counts 2, 4,

1 8, 10, 12, 16, 18, 20, 22, 29, 34, and 36 with
2 violations of 18, United States Code, Section 922(d).
3 This is a sale of a firearm to a felon or an individual
4 convicted of a crime for which they could have received
5 a sentence in excess of one year.

6 As to each of the counts where he is charged
7 with violation of 922(d), the elements are that: The
8 Defendant sold a firearm to an individual who had a
9 conviction for which he could have received a sentence
10 in excess of one year. That that individual was
11 actually -- had that conviction. That at the time of
12 the sale, the Defendant knew that the purchaser, in this
13 case TK, was a convicted felon as previously defined.

14 As to each of the counts previously stated in
15 violation of 18, United States Code, Sections 9 --
16 Section 922(d), the penalty is not more than ten years
17 imprisonment, a fine of not more than \$250,000, three
18 years supervised release, and a Special Assessment of
19 \$100.

20 Your Honor, as to -- he is also charged with
21 violations of the National Firearms Act, which is 26 USC
22 -- there is two separate violations of that, 26 USC
23 Section 5861(e), that is a transfer of a firearm to a
24 prohibited person in violation of the NFA, and he is
25 charged with that in Counts 6, 14, 25, 27 and 31.

1 As to those violations of 26 USC Section 5861(e),
2 the elements are that the defendant transferred a
3 firearm to an individual not authorized by law to
4 receive said firearm, and that the firearm alleged in
5 each of those counts was subject to the provisions of
6 Title 26, Section 850 -- 5861(b). And as to each of
7 the counts -- each violation of 26 United States Code
8 5861(e), the sentence can be imprisonment for up to ten
9 years, a fine of up to \$10,000, three years supervised
10 release, and a \$100 Special Assessment.

11 Finally, Your Honor, Mr. Lawson is charged
12 with violations of 26, United States Code, Section
13 5861(l), that is false statement to possess an NFA
14 firearm. An NFA firearm is usually a suppressor or
15 something like that that is covered by the National
16 Firearms Act, and he is charged with that in Counts 5,
17 13, 24, 26, and 30.

18 As to each of those counts that are violations
19 of 26 USC Section 5861(l), the elements are that: The
20 Defendant made or caused to be made a false entry on any
21 application or record that is required by a Title 26,
22 Chapter 53 of the United States Code, and that he did so
23 knowing such entry to be false. The penalty for each
24 of the 26, United States Code, Section 5861(l)
25 violations is imprisonment for up to ten years, a fine

1 of up to \$10,000, a three-year supervised release, and
2 a \$100 Special Assessment.

3 THE COURT: Okay.

4 BY THE COURT:

5 Q. All right then. Do you understand the nature of
6 the charges against you and the range of possible
7 punishment?

8 A. Yes, ma'am.

9 Q. Do you still want to plead guilty?

10 A. Yes, ma'am.

11 Q. Did you commit this offense?

12 A. Yes, ma'am.

13 Q. Okay. Offenses?

14 MR. STEPP: Just one thing, Judge.

15 THE COURT: Yeah.

16 MR. STEPP: On the counts off of 922(d), the
17 transferring a firearm to a prohibited person, I believe
18 I heard the Government use language like he sold a
19 firearm to a prohibited person in violation of the
20 statute, the indictment, I think, just lists knowingly
21 transfer, I think it is a distinction without a
22 difference, but I think these were factually the
23 evidence I think is going to support a transfer and not
24 necessarily a sale.

25 THE COURT: Okay.

1 MS. WELLS: I have no objection to saying that
2 that would be the elements then would be knowing the
3 transfer. I do think that is one of the elements as it
4 reads, Your Honor.

5 THE COURT: Okay.

6 BY THE COURT:

7 Q. Well, then, do you still want to plead guilty
8 Mr. Lawson?

9 A. Yes, ma'am.

10 Q. And did you commit this offense, I think I already
11 asked you that?

12 A. Yes, ma'am.

13 THE COURT: I find that the Defendant fully
14 comprehends and understands the nature of the charge
15 (sic) against him, and generally what elements the
16 Government would have to prove if a trial were held.
17 Is there any plea agreement at all? He is pleading to
18 every Count?

19 MS. WELLS: That's correct, Your Honor. There is
20 no plea agreement in this case.

21 BY THE COURT:

22 Q. Has anyone promised you what sentence you might
23 receive?

24 A. No, ma'am.

25 Q. Do you still want to plead guilty?

1 A. I do.

2 Q. Has anyone promised you anything at all or held
3 out any kind of hope of a reward to get you to plead
4 guilty?

5 A. No, ma'am.

6 Q. Has anyone threatened you, accosted you,
7 intimidated you, or used force to get you to plead
8 guilty?

9 A. No, ma'am.

10 Q. Have you had enough time to decide whether or not
11 you do want to plead guilty?

12 A. Yes, ma'am.

13 Q. Are you pleading guilty of your own free will --

14 A. I am.

15 Q. -- in court?

16 THE COURT: All right. Madame U.S. attorney, I
17 would ask you to summarize the evidence.

18 MS. WELLS: Thank you very much, Your Honor, may
19 it please the Court. Your Honor, on November 3rd of
20 2016, officers with the Bureau of Alcohol, Tobacco and
21 Firearms Greenville Field Office were contacted by the
22 Spartanburg County Sheriff's Office in regards to a
23 search that was being conducted at an address on Wofford
24 Road in Woodruff, South Carolina. Agents were advised
25 that a search warrant had been obtained for the property

1 that belonged to an individual who was being
2 investigated for some crimes, and during a search of
3 that property, numerous guns and a large amount of
4 ammunition was discovered.

5 In addition to the firearms and ammunition,
6 Spartanburg County investigators also stated that some
7 of the firearms that had been recovered had silencers
8 attached to them. ATF then was contacted several days
9 later by a member of the Spartanburg County Sheriff's
10 Office to seek some further assistance during it's
11 investigation, this was a murder investigation and a
12 kidnapping investigation in Spartanburg. And at that
13 point, investigators with the Sheriff's Office said that
14 during their investigation, that the name of Dustan
15 Lawson had come up as an individual who may have made
16 some of the purchases of the firearms from the residence
17 from a store -- at least one store in the Greenville
18 area, Academy Sports, which is a registered -- is a
19 licensed firearms dealer.

20 During that, Special Agents with the ATF
21 conducted a query of multiple sales through E-trace and
22 found multiple sales report for Mr. Lawson, and they
23 were able to confirm that some of -- at that point that
24 some of the firearms on the property in Woodruff had, in
25 fact, been purchased by Mr. Lawson.

1 During the course of this investigation, this
2 involved a large number of firearms that were seized and
3 investigators had to go back, the ATF does not have a
4 magic computer, as the Court well knows, where they can
5 just enter this information and it comes back, they have
6 to do a fair amount of footwork and legwork to figure
7 out who actually made the purchases using E-trace, and
8 other -- and also literally going through forms and also
9 going through some of the evidence that was seized
10 during the search of this property. And they were able
11 to determine that Mr. Lawson, over a course of time that
12 -- since at least November of 2009, Mr. Lawson -- there
13 were 29 purchases made on behalf of this individual who
14 was prohibited from possessing firearms, he had a prior
15 conviction from Arizona that rendered him a felon.
16 Mr. Lawson had purchased all but three of the weapons
17 that other individuals had purchased for this person who
18 is identified in the indictment as TK. Mr. Lawson had
19 purchased the vast quantity of those weapons, and each
20 of the weapons that are within the statute of
21 limitations are charged in this Indictment, Your Honor.

22 During the course of this investigation in
23 November of 2016, officers did have an opportunity to
24 sit down with Mr. Lawson at his attorney's office, not
25 Mr. Stepp, he had asked someone, a local attorney to sit

1 with him during the interview. They asked him a number
2 of questions around this, and Mr. Lawson, during that,
3 admitted that he knew the individual TK that he was
4 purchasing weapons for was not only a registered sex
5 offender, but that he knew that he was a convicted
6 felon.

7 Your Honor, what Mr. Lawson would do is he would
8 go at the request of this individual and make purchases
9 of firearms from various firearms dealers in the area,
10 Academy Sports was one very popular one, and there are
11 some other (sic), as well. And he would make
12 representation on the forms that he, as the Court well
13 knows, you have to sign paperwork to make purchase of
14 firearm, you also have to do that to purchase
15 suppressors or other fire -- what are defined as
16 firearms under the NFA. Mr. Lawson would represent
17 that he was the individual that he was purchasing the
18 firearm for well knowing that he had no intention of
19 keeping the firearm that he would later transfer it to
20 TK for TK's own purposes. All of the weapons that were
21 later determined to be purchased by Mr. Lawson were
22 found at TK's residence.

23 So, Your Honor, and those are some of the
24 facts the Government would rely upon at trial in this
25 case.

1 THE COURT: All right.

2 BY THE COURT:

3 Q. Mr. Lawson, do you agree with the prosecutor's
4 summary of what you did?

5 A. Yes, ma'am.

6 Q. Are there any questions that you want to ask her
7 before we go on?

8 A. No, ma'am.

9 Q. Have you understood all of my questions?

10 A. Yes, ma'am.

11 Q. Do you have any questions for me before we go on?

12 A. No, ma'am.

13 Q. How do you wish to plead?

14 A. Guilty.

15 Q. Are you guilty?

16 A. Yes, ma'am.

17 THE COURT: It is the finding of the Court in the
18 case of United States versus Dustan Lawson that the
19 Defendant is fully competent and capable of entering an
20 informed plea. The guilty plea is a knowing and
21 voluntary plea supported by an independent basis in fact
22 and containing each of the essential elements of the
23 offense. This plea is, therefore, accepted, and he is
24 now adjudged guilty of that offense.

25 How is he doing on bond, Mr. Metcalf?

1 PROBATION OFFICER: Your Honor, there is (sic)
2 no current bond violations.

3 THE COURT: So, all of the conditions of your bond
4 still apply, and you must abide by them and abide by the
5 law, and the penalties for violating any conditions
6 could be severe. A written presentence report is going
7 to be prepared by the U. S. Probation Office, and if you
8 -- when you are questioned by them, you have the right
9 to have your lawyer there with you if you want. You
10 will have a chance to read that and object to it if you
11 like, the Government will get it and be able to object
12 to it as well if they like. I will be hearing from
13 both sides at sentencing, and you can speak on your own
14 behalf at sentencing. So, we will see you at that
15 time. Okay. Thank you.

16 (The Court hearing concluded at 5:07 p.m.)

17 *** END OF REQUESTED TRANSCRIPT ***

18 * * * * *

19 CERTIFICATE OF REPORTER

20 I certify that the foregoing is a correct
21 transcript from my stenographic notes in the
22 above-entitled matter.

23
24
25 S/Debra R. Bull, RPR, CRR

Decembbber 10, 2018
Date